

Bill threatens independence say attorneys

The Legal Practice Bill passed by the National Assembly this week risks hampering the effective functioning of the legal profession, the SA Attorney's Association said on Wednesday (13 November).



Lawyers say the Legal Practice Bill will undermine the independence of attorneys and advocates.

Image: Stuart Miles [Free Digital Photos](#)

"It is regrettable that some of the provisions of the bill will make inroads into the profession's ability to remain viable, effective and competent," it said.

The association singled out for criticism the wide ministerial powers conferred by the bill to nominate members of the new, single statutory council that will replace all existing law societies.

"The minister will have wide regulatory powers, previously held by the law societies, including the determination of fees for legal services, the issuing of regulations regarding community service and the power to appoint an interim council after dissolving the Legal Practice Council pursuant to a court order," it said.

Transformation demanded

It also voiced fears that the provisions of the legislation aimed at ensuring that the legal profession was transformed to reflect the racial demographics of the country could be abused to restrict entry into the profession.

The controversial bill was finally passed by the National Assembly on Tuesday (12 November) after nearly two decades in the pipeline. The bill has been strongly objected to by opposition political parties and the legal profession.

In the debate on the bill, Justice Minister Jeff Radebe conceded that consensus had not been reached but said the search

for consensus could not continue forever.

He insisted that government had a legitimate interest in ensuring that the constitutional imperative of transformation of the judiciary became a reality.

Opposition parties said the bill would damage the legal profession and undermine its independence.

Source: Sapa via I-Net Bridge

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